IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

WP(C).No. 29612 of 2003(A)

PETITIONER:

ARNACHALAM MUTHALI,
S/O.KULAKKAD THERUVIL, ANNAMALA MUTHALI,
MOOTHEDATH MADAMBU AMSOM, KULAKKAD DESOM,
OTTAPPALAM TALUK.

BY ADV. SRI.T.SETHUMADHAVAN
SRI.PUSHPARAJAN KODOTH
SRI.K.JAYESH MOHANKUMAR

RESPONDENTS:

1. **ARUNACHALAM MUTHALI,**
   S/O.KULAKKAD THERUVIL MANIYAN MUTHALI,
   MOOTHEDATH MADAMBU AMSOM, KULAKKAD DESOM,
   OTTAPPALAM TALUK.

2. **PARAMANANDAN MUTHALI,**
   S/O.KULANTHA MUTHALI, DO. DO.

3. **RAJU MUTHALI, S/O.LAKSHAM VEETTIL**
   CHAMI MUTHALI, DO. DO.

4. **KINARUVEETTIL KUTIYANNAN MUTHALI,**
   DO. DO.

5. **LAKSHMANAN, S/O.NARAYANAN MUTHALI,**
   DO. DO.

6. **CHILAMBAN MUTHALI, S/O.PUTHENPURAYIL,**
   CHILABAN MUTHALI, DO. DO.

7. **NATARAJAN, S/O.RAMAN MUTHALI, DO.**

8. **MANIKKAN MUTHALI, S/O.MALAMPALLAYIL,**
   MANIKKAN MUTHALI.

9. **RAMASWAMY MUTHALI, S/O.RAMSWAMI MUTHALI,**

10. **M.V.HARIDAS, ADVOCATE, OTTAPPALAM.**

BY ADV. SRI.SANTHEEP ANKARATH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.29612/2003 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT IN S.A.NO.129/93-F ON THE FILE OF THIS HON'BLE COURT DTD. 18/10/1995.**

EXT.P2: **COPY OF THE ORDER IN C.R.P.O.339/1999E OF THIS HON'BLE COURT DTD. 21/03/2001.**

EXT.P3: **COPY OF THE AFFIDAVIT ACCOMPANYING E.A.NO.316/03 IN E.P.NO.496/01 IN O.S.NO.242/86 ON THE FILE OF THE MUNSIFF'S COURT, OTTAPALAM.**

EXT.P4: **COPY OF THE ORDER IN E.A.NO.316/2003 IN E.P.NO.496/2001 IN O.S.NO.242/1986 ON THE FILE OF THE MUNSIFF'S COURT, OTTAPALAM DTD. 23/07/2003.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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W.P.(C) No.29612 of 2003

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Dated: 26th June, 2007

JUDGMENT

The fervent submissions of Mr.K.Jayesh Mohankumar notwithstanding, I am not prepared to say that Ext.P4 order of the learned Munsiff is vitiated to the extent of justifying interference under the visitorial jurisdiction of this court under Article 227 of the Constitution which will be invoked only in exceptional circumstances. Ext.P4 will stand confirmed. However, there will be a direction to the learned Munsiff to ensure by issuing appropriate directions necessary in that regard that the Advocate Commissioner completes the work and files his report at the earliest and at any rate within four months of receiving copy of this judgment.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**